

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: **Lakhvinder Singh  
Marjit Kaur**

Debtor(s)

Case No.: 16-24855  
Judge: CMG  
Chapter: 13

**CHAPTER 13 PLAN AND MOTIONS**

☒ Original ☐ Modified/Notice Required ☒ Discharge Sought  
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 8-16-2016

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay \$500.00 Monthly to the Chapter 13 Trustee, starting on September 1, 2016 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐

Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐

Refinance of real property

Description:

Proposed date for completion: \_\_\_\_\_

☒

Loan modification with respect to mortgage encumbering property THE NEW YORK MELLON TRUST

Description: 21 HARRIS STREET, CARTERET, NEW JERSEY

Proposed date for completion: \_\_\_\_\_

loss mitigation will be completed by the date set forth in the loss mitigation order

d.

☒

The regular monthly mortgage payment will continue pending the sale, refinance or loan modification. Debtor is to make post adequate protection payments to secured creditor pursuant to the loss mitigation order.

e.

☒

Other information that may be important relating to the payment and length of plan: The Trustee is to reserve making payments to the secured creditor pending loss mitigation.

LOAN MODIFICATION WITH DITECH F/K/A GREENTREE ON PROPERTY LOCATED AT 81 PULASKI STREET, CARTERET, NEW JERSEY. LOAN MODIFICATION IS TO BE COMPLETED OUTSIDE THE BANKRUPTCY CASE. WITHIN SIX (6) MONTHS FROM DATE OF CONFIRMATION. DEBTOR IS TO MAKE POST ADEQUATE PROTECTION PAYMENTS TO THE CREDITOR. THE TRUSTEE IS TO RESERVE MAKING PAYMENTS TO SECURED CREDITOR PENDING THE LOAN MODIFICATION.

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
ROBERT C. NISENSEN	ATTORNEYS FEES	3,000

#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

##### b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

##### c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

##### d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor  
-NONE-

##### e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan

### Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_\_ percent

  X   *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

### Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
Hyundai Capital America	2003 Nissan Pathfinder	assumed

### Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

Creditor	Collateral	Amount of Lien to be Reclassified
<p><b>c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.</b></p> <p>The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:</p>		

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

### Part 8: Other Plan Provisions

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

### Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_.

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☐ No

### Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date August 16, 2016

/s/ Robert C Nisenson

**Robert C Nisenson**

Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: August 16, 2016

/s/ Lakhvinder Singh

**Lakhvinder Singh**

Debtor

Date: August 16, 2016

/s/ Marjit Kaur

**Marjit Kaur**

Joint Debtor

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Lakhvinder Singh  
 Marjit Kaur  
 Debtors

Case No. 16-24855-CMG  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 29

Date Rcvd: Aug 17, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 19, 2016.

db/jdb  
 516320453 ++Lakhvinder Singh, Marjit Kaur, 29 Harris St., Carteret, NJ 07008-2901  
 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bk Of Amer, 4161 Piedmont Pkwy, Greensboro, NC 27410)  
 516320454 Bk Of Amer, 4060 Ogletown/stanton Rd, Newark, DE 19713  
 516320455 ++Bk Of Amer, 1800 Tapo Canyon Rd, Simi Valley, CA 93063-6712  
 516320460 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,  
 Richmond, VA 23238)  
 516320457 ++Cap One, 95 Washington Street, Buffalo, NY 14203-3006  
 516320459 ++Capital One Bank Na, PO Box 30285, Salt Lake City, UT 84130-0285  
 516320462 ++Colorado Capital Investments, Inc, C/O Pressler And Pressler, LLP, 7 Entin Rd,  
 Parsippany, NJ 07054-5020  
 516320465 +++DITECH FINANCIAL LLC, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311  
 (address filed with court: Ditech Financial LLC, 332 Minnesota St Ste 610,  
 Saint Paul, MN 55101)  
 516320466 ++Elizabethtown Gas, ATTN:Virginia Natural Gas, 544 South Independence Blvd.,  
 Virginia Beach, VA 23452-1104  
 516320467 ++FIA Card Services NA, P.O. Box 15019, Wilmington, DE 19850-5019  
 516320469 ++Hyundai Capital America, 400 Macarthur Blvd, Newport Beach, CA 92660  
 516320472 ++Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709  
 516320477 ++P & J Fuel, Inc, C/O Marco Shawki, Esq, 1794 Oak Tree Rd., Edison, NJ 08820-2704  
 516320478 ++Rcs Mtg, 350 S. Grand Ave, 47th Floor, Los Angeles, CA 90071-3406  
 516320479 ++Rickart Coll Systems, 575 Milltown Rd, North Brunswick, NJ 08902-3336  
 516320482 ++The Bank of New York Mellon Trustee, C/O Specialized Blvd Ste 300,  
 Highlands Ranch, CO 80129  
 516320483 ++Vanz LLC, 577 Hamburg Turnpike, Wayne, NJ 07470-2042

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 17 2016 23:12:23 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg ++E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 17 2016 23:12:21 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516320456 ++E-mail/Text: bankruptcy@cavps.com Aug 17 2016 23:12:38 Calvary SPV, LLC,  
 500 Summit Lake Drive Ste 400, Valhalla, NY 10595-1340  
 516321847 ++E-mail/Text: bankruptcy@cavps.com Aug 17 2016 23:12:38 Cavalry SPV I, LLC,  
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340  
 516320463 ++E-mail/Text: creditonebknofications@resurgent.com Aug 17 2016 23:11:34 Credit One Bank Na,  
 Po Box 98875, Las Vegas, NV 89193-8875  
 516320464 ++E-mail/Text: mrdiscen@discover.com Aug 17 2016 23:11:32 Discover Bank, PO Box 3025,  
 New Albany, OH 43054-3025  
 516320468 ++E-mail/Text: bankruptcy.bnc@gt-cs.com Aug 17 2016 23:12:10 Greentree, PO Box 6172,  
 Rapid City, SD 57709-6172  
 516320470 ++E-mail/PDF: resurgentbknofications@resurgent.com Aug 17 2016 23:07:13 Lvnv Funding Llc,  
 Po Box 10497, Greenville, SC 29603-0497  
 516320473 ++E-mail/Text: bankruptcy@onlineis.com Aug 17 2016 23:12:55 Online Collections, Po Box 1489,  
 Winterville, NC 28590-1489  
 516320480 ++E-mail/PDF: gecsedirecoverycorp.com Aug 17 2016 23:07:46 Synch/jc Penney Dc,  
 Po Box 965007, Orlando, FL 32896-5007  
 516320481 ++E-mail/PDF: gecsedirecoverycorp.com Aug 17 2016 23:07:46 Synch/pc Richard,  
 C/o Po Box 965036, Orlando, FL 32896-0001

TOTAL: 11

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516320461\* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,  
 Richmond, VA 23238)  
 516320458\* ++Cap One, 95 Washington Street, Buffalo, NY 14203-3006  
 516320471\* ++Lvnv Funding Llc, Po Box 10497, Greenville, SC 29603-0497  
 516320474\* ++Online Collections, Po Box 1489, Winterville, NC 28590-1489  
 516320475\* ++Online Collections, Po Box 1489, Winterville, NC 28590-1489  
 516320476\* ++Online Collections, Po Box 1489, Winterville, NC 28590-1489

TOTALS: 0, \* 6, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 29

Date Rcvd: Aug 17, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 19, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 16, 2016 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-19CB, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2005-19CB dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Robert C. Nisenson on behalf of Debtor Lakhvinder Singh rnisenson@aol.com,  
nisensonlaw@aol.com;G2729@notify.cincompass.com;nisensonlaw@gmail.com  
Robert C. Nisenson on behalf of Joint Debtor Marjit Kaur rnisenson@aol.com,  
nisensonlaw@aol.com;G2729@notify.cincompass.com;nisensonlaw@gmail.com

TOTAL: 4